



AN ACT REVISING LAWS RELATED TO THE UPLAND GAME BIRD ENHANCEMENT PROGRAM; ESTABLISHING A CITIZENS' ADVISORY COUNCIL; AUTHORIZING DEVELOPMENT OF A STRATEGIC PROGRAM PLAN; REVISING REPORTING REQUIREMENTS; AMENDING SECTIONS 87-1-247 AND 87-1-250, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-247, MCA, is amended to read:

"87-1-247. Authorized Upland game bird enhancement program -- authorized use of funds. (1) ~~Not more than 15% of the money generated under~~ Subject to subsections (2) and (3), revenue dedicated to the upland game bird enhancement program pursuant to 87-1-246 ~~may~~ must be used by the department to:

(a) prepare and disseminate information to landowners and organizations concerning the upland game bird enhancement program;

(b) review potential upland game bird release sites;

(c) assist applicants in preparing management plans for project areas; ~~and~~

(d) evaluate the upland game bird enhancement program;

(e) develop a strategic plan pursuant to [section 3(2)(a)];

~~(2) The remainder of the money raised must be used for releasing~~

(f) pursuant to subsection (2), release upland game birds in suitable habitat; ~~and~~

(g) for the development, enhancement, and conservation of develop, enhance, and conserve upland game bird habitat in Montana; and

(h) establish and assist an upland game bird citizens' advisory council pursuant to [section 3].

~~(3)(2)~~ (a) At least 15% of the funds collected under 87-1-246 must be set aside each fiscal year for expenditures related to upland game bird releases.

(b) At least 25% of the funds set aside for upland game bird ~~release~~ releases must be spent each year.

(3) As far as practicable, expenditures made pursuant to subsection (1) must be prioritized by

administrative region based on need, taking into consideration any biological, recreational, or economic benefit and the objectives established in a strategic plan developed pursuant to [section 3(2)(a)]."

Section 2. Section 87-1-250, MCA, is amended to read:

"87-1-250. Report Upland game bird enhancement program -- report. The department shall report to the fish and game committee of each house of the legislature concerning upland game bird enhancement activities undertaken pursuant to 87-1-246 through 87-1-249 and [section 3] during the preceding biennium, including providing:

- (1) copies of reports made to the upland game bird citizens' advisory council pursuant to [section 3(2)(b)];
and
- (2) together with any recommendations concerning the operation of the program."

Section 3. Upland game bird enhancement program -- advisory council. (1) There is an upland game bird citizens' advisory council consisting of 12 members appointed by the director and serving staggered 4-year terms. The 12 members must include a public member representing each of the department's administrative regions. Council membership must include:

- (a) an upland game bird hunter;
- (b) a local chamber of commerce representative;
- (c) a conservationist;
- (d) an upland game bird biologist;
- (e) at least two landowners, one of whom must be enrolled in the block management program; and
- (f) a senator and a representative from different political parties.

(2) The council shall meet at least once each year but not more than once each month as necessary to:

(a) advise the department on the development and maintenance of a 10-year strategic plan that at a minimum:

(i) defines quantifiable goals, objectives, and performance measurements for the upland game bird enhancement program based on need by administrative region, taking into consideration any biological, recreational, or economic benefit, including the prioritization of at-risk upland game bird species and their associated habitats;

(ii) establishes regional and statewide priorities for the development of upland game bird habitat based on land management needs, sustaining upland game bird populations, and landowner input;

(iii) prioritizes resource allocation, including funding and personnel, in accordance with objectives and goals established pursuant to this subsection (2)(a);

(iv) promotes landowner outreach and relations with both private and public landowners;

(v) provides for the ongoing monitoring of, access to, and signage for upland game bird enhancement projects, as well as the renewal or replacement of expiring projects; and

(vi) develops strategies to ensure the effective release of upland game birds and use of funding for upland game bird releases; and

(b) provide ongoing monitoring of upland game bird enhancement program activities, including but not limited to receipt from the department of an annual:

(i) activity report to evaluate whether objectives, goals, and performance measurements established pursuant to subsection (2)(a) are being met or are expected to be met;

(ii) financial report, providing a summary of revenue and expenditures for the upland game bird enhancement program and any unreserved balance remaining at the end of the fiscal year from fees collected pursuant to 87-1-246; and

(iii) report reviewing whether upland game bird enhancement project contracts are in compliance with 87-1-248 and rules adopted pursuant to 87-1-249.

(3) The council may recommend rules for adoption by the department.

(4) Each member of the council is entitled to receive \$50 in compensation and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day spent on official council business. Council members who conduct official council business in their city of residence are entitled to receive a midday meal allowance as provided for in 2-18-502.

(5) The department shall provide administrative support as necessary to assist the advisory council in its duties pursuant to this section.

Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 3].

Section 5. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,
HB 0499, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 499

INTRODUCED BY FRENCH, FUREY, VINCENT, WILMER, BRENDEN

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